

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JEREMY KISER,

Plaintiff

v.

CIVIL ACTION NO. 2:17-cv-03927

W.V. REGIONAL JAIL AUTHORITY, et al.,

Defendants.

**ORDER**

Before this Court is a Complaint filed by Plaintiff Jeremy Kiser (“Plaintiff”). (ECF No. 2.) By Standing Order entered on January 4, 2016, and filed in this case on September 8, 2017, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). (ECF No. 4.) Magistrate Judge Tinsley observed that Plaintiff’s Application to Proceed Without Prepayment of Fees and Costs, (ECF No. 1), was incomplete and ordered Plaintiff to file a complete application by July 2, 2018. (ECF No. 5.) Magistrate Judge Tinsley warned Plaintiff that if he failed to comply, his action would be “dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.” (*Id.*) Plaintiff did not comply with the order. Therefore, Magistrate Judge Tinsley filed his PF&R on September 6, 2018, and recommended that this Court find that Plaintiff has failed to prosecute this civil action and that this Court dismiss the matter without prejudice. (ECF No. 6.)

This Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on September 24, 2018. (ECF No. 6.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6), and **DISMISSES** this action without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). This Court further **DIRECTS** the Clerk to remove this matter from this Court's docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER:          October 4, 2018

  
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THOMAS E. JOHNSTON, CHIEF JUDGE